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SERIES I No. 2

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

*Note: There is one Supplement and one Extraordinary issue to the Official Gazette Series I No. 1 dated 3-4-2003 as follows:*

- (1) Supplement dated 8-4-2003 from pages 5 to 8 regarding Bills from Goa Legislature Secretariat.
- (2) Extraordinary dated 9-4-2003 from pages 9 to 10 regarding Notifications from Department of Public Health.

### GOVERNMENT OF GOA

Department of Forest

#### Notification

12-2-2001-02/FD/894

**Sub: Joint Forest Management Scheme in Government — regarding**

#### PREAMBLE

The National Forest Policy, 1988 envisages the co-operation of the local people in conservation and development of forests. Accordingly, the Ministry of Environment and Forests, Government of India, issued instructions to all States on June 1, 1990 that rights of the villagers living in and around forests will have first charge on forest. In view of the principles laid down by the Government of India, the Government of Goa (hereafter referred to as Government) have decided to obtain people's co-operation in areas considered sensitive from the point of view of forest protection by adopting Joint Forest Management. In order to give effect to this decision and extend the same to all forest areas including the areas covered under Wildlife Sanctuaries and National Parks (collectively called Protected Areas), the Government is pleased to issue the following Resolution.

According to the current practices of forest management in the State, the forest areas of the State are divided into two parts (zones).

**Zone I—** Forest areas included in the National parks and sanctuaries. These areas

are extremely important for biodiversity conservation and entails people's active co-operation for protection, but offers little in terms of conventional benefit sharing modes.

**Zone II—** Other forest areas, which can be used to obtain forest products under forestry works in consonance with approved Working Plans. It also includes those forest areas, which have become open due to biotic pressure, and need regeneration/rehabilitation.

2.1 Eco-development Committee (EDC) shall be constituted, for securing the co-operation of the people, in all the villages situated inside the national parks and sanctuaries and in such villages outside the protected areas which are situated within five kilometers from the boundaries of these areas and which influence the protected areas.

2.2 Forest Protection Committee (FPC) shall be constituted in all other villages situated within five kilometers from the forest block boundaries except those covered under the above clause.

#### (3) Procedure for Constituting Committees:

3.1 For the purpose of the constitution of committees, the habitations or groups of habitations or small villages or their groups, which include such communities which have been managing their affairs traditionally as a village, shall be treated as a village.

3.2 Meetings will be held in the villages of the State, by the forest staff, to persuade the people to take up Joint Forest Management. After this, if the villagers voluntarily want to get involved in forest protection, development and management, a formal meeting will be held in the village in the presence of a forest official, not

below the rank of a Round Forester, in co-operation with the local representatives of the people. The JFM committee (EDC/FPC) will be constituted, in accordance with the provision for the zone in which a village is situated, if 50 percent or more of the population of village, who are eligible to vote, adopts a resolution, by a general majority, to this effect.

3.3 The committee shall be registered by the concerned Deputy Conservator of Forests (hereafter referred to as DCF — which includes territorial, wildlife and functional divisions) within one month of the adoption of the resolution. All the villagers, who are eligible to vote, shall be the members of the General Body (GB) of the committee. In the first meeting of the committee, which will be presided over by the concerned Range Forest Officer (hereafter referred to as RFO), these members will elect the Chairperson and the Vice-chairperson, whose term in office will be two years. One out of these two shall be a woman.

3.4 A federation of the chairpersons of the committees shall be constituted at the division level.

#### (4) Executive Committee:

An Executive Committee (EC), consisting of a minimum of 11 and maximum of 21 members (except *ex-officio* members) shall be constituted as per the following procedure:

The concerned committee shall nominate an EC in a meeting chaired by the elected Chairperson.

- i) The Chairman/Vice-Chairman of the JFM committee will also be the *ex-officio* Chairperson/Vice-Chairperson of the EC.
- ii) The proportion of scheduled castes, scheduled tribes and backward classes members in the EC shall be the same as in the total population in the village, as far as possible.
- iii) Minimum 33 percent members of the EC, will be women. If there are any women self help groups in the village, one member from each such group shall be compulsorily represented on the EC by election.
- iv) If there are any landless families in the village, a minimum of two members from

such families (one male and one female) shall be included in the EC. Out of these, if there is any self-help group in the village, one representative shall be compulsorily from such a group.

- v) All *panchs/sarpanch* residing in the village will be *ex-officio* members of the EC.

- vi) In addition to the above members, the Beat Guard or Round Forester incharge of the concerned forest area will be the *ex-officio* Secretary of the EC.

- vii) Barring *ex-officio* members, the term of all other members of the EC will be for a period of two years.

#### (5) Earmarking of Areas:

5.1 After the formation of the committee, the DCF, in consultation with the EC, shall earmark forest area for different kinds of committees. An officer, not below the rank of a RFO can be authorized by the Dy. Conservator of Forests, for this purpose. While earmarking area for a committee, consideration will be given to the distance between the forest and the village and the area traditionally used by the villagers. Based on the proposal of the RFO, Assistant Conservator of Forest shall assess the technical suitability of the area and shall ear-mark. In case of a difference of opinion related to the selection of an area, the decision of the concerned DCF shall be final.

5.2 No forest area shall be earmarked for the eco-development committees formed inside the protected areas. Only for the eco-development committees constituted in the villages situated outside the protected areas, which influence the management of the protected area, be earmarked under section 5.1.

#### (6) Microplan:

6.1 After the constitution of the committee the Forest Department shall prepare a micro plan in collaboration with the committee and other development departments. The micro plan shall cover both the area of the village as well as the forest area earmarked for the committee. It shall include provisions both for forest management as well as for village resource development programme. The microplan shall propose works/activities on the basis of the estimated availability

of funds. Technical and financial resources, for the works included in the microplan, can also be obtained from these departments. Other works shall be included in a separate annexure, on the basis of priority. The name of executive agency and the possible source of funding shall also be shown with the works. The microplan shall be submitted to the DCF by the committee for approval. The microplan shall be approved after examining its technical and legal aspects.

6.2 The principles of forest/wildlife management are recorded in the applicable working plan/management plan. The works to be undertaken in the area earmarked for a committee shall be in accordance with these principles. The microplan shall ensure that the laws/rules applicable to forest/wildlife management are not violated.

6.3 The Government shall arrange for the funds required for executing the forest works included in the plan. In addition, the committee and the forest department shall also arrange for funds for works, which can reduce the dependence of the villagers on forests, through the DRDA, other departments, panchayats and other sources. In these works, a contribution of 25 percent from the committee members, in the form of labour, shall be necessary, as far as possible. An amount equivalent to the labour contributed shall be deposited in the committee account for use in the village resource development works.

6.4 The economic development activities, which are ecologically sound and sustainable, shall be given priority in the microplan.

#### (7) Meetings:

Meetings will be convened by the Secretary with the consent of the Chairman. It will be compulsory to convene at least one meeting in three months. Normally, the meetings will be presided over by the Chairperson/Vice Chairperson of the committee, but members can choose another member as Chairperson for the meeting in the absence of the committee Chairperson/Vice Chairperson. A General Body Meeting (GBM) shall be called at least once in six months. The time and place of the GBM will be decided in consultation with the Chairperson. The proceedings of the meeting will be recorded by the Member-Secretary, in a register kept for the purpose. A new EC will be elected in the last meeting of the General Body concerned in

the last year of the term of the current Executive Committee. It will be compulsory to convene this meeting one month before the expiry of the term of the Executive Committee.

#### (8) Quorum:

50 percent of the members for the executive body and 30 percent member for the General Body will be essential for completing the quorum.

#### (9) Rights and responsibilities of the Committee:

##### 9.1 Rights

The JFM committees will be eligible for following benefits subject to the satisfaction of the DCF that the committee has satisfactorily performed its duties pertaining to Joint Forest Management:

i) All families in the committees would be entitled to small timber, firewood free of cost, every year, subject to availability, on the payment of only extraction costs.

ii) All forest committees can be given, on payment of the extraction cost 100 percent of the forest produce obtained, from time to time, as a result of thinning in timber coupes and cleaning of the bamboo clumps in the degraded bamboo forest as per the provision of the micro plan/working plan.

iii) Forest produce equivalent to 25 percent of the value of produce obtained from the final felling of bamboo/timber coupes or the produces obtained from the final felling of the planted area in Social Forestry Plantations, falling within the area allocated to a Forest Protection Committee (FPC), in accordance with the provisions of the Working/Management Plan, shall be provided to the committees on the payment of the proportionate extraction cost. The price shall be calculated on the basis of table of rates fixed by the Government from time to time.

iv) Eco development committees situated inside the protected areas shall also be paid the value of the forest produce. As there is a ban on felling inside protected areas, the amount to be paid to the EDC's shall be equivalent to forest produce to be given to the FPC situated in the area adjoining to the protected area.

v) Rights of the committees related to minor forest produce shall be in accordance with the decisions taken by the Government of Goa from time to time.

vi) In case a committee co-operates in the apprehension of a forest offender in cases detected in the area of the committee, 50 percent of the compensation/fine recovered from offenders, on compounding of the case or after a decision by the court, shall be deposited in the account of the committee. This money shall be used for the development of the village.

vii) If a member of the committee does not co-operate with the committee in the activities of the committee, does not abide by the decisions of the committee or if he commits a forest offence, the committee, through a decision in the general body meeting, may strip him of his eligibility for obtaining any benefits and may terminate his/her membership. But before taking this action, the member will be allowed to put up his case before the committee. This action taken will be without prejudice to any penal action for the forest offence as per rules.

viii) The committee shall be able to transfer all or any of its powers to the executive through a resolution in the general body meeting.

## 9.2 Duties:

i) The committee shall elect an EC.

ii) The committee members shall protect the forest against fire, illegal grazing, illicit felling, illegal transportation, illegal mining, encroachments and hunting and shall assist the forest department in these matters. The committee, with the assistance of its members will take necessary steps for the achievement of this objective.

iii) Information shall be given to the forest department regarding any person who harms the forests or wildlife, trespasses or indulges in any illegal activities.

iv) If any wild animal accidentally strays out of the forest area, information shall be given to the nearest Forest Officer, while ensuring its safety.

v) The committee will prepare a microplan and an annual action plan, in collaboration with

the Forest Department. The plans will incorporate community-based as well as beneficiary-oriented, programmes based on the specific needs of the area concerned. Activities directly or indirectly aimed at forest and wildlife protection shall be given priority. Microplans shall be signed by the Range Forest Officer on behalf of the forest department and by the Chairman of the EC on behalf of the committee. Annual action plans shall be prepared every year for the implementation of the microplan. 10 percent of the amount required for the implementation of the microplan can be advanced to the committee once. Implementation of sanctioned plans will be done by the committee. If any committee is not executing works satisfactorily or is not interested in carrying out the works, the work will be carried out by the Forest Department in such cases.

vi) Immediately after getting the information regarding any forest offence within their or any other forest area, the members of the committee shall report it to the concerned Beat Guard. The committee members shall also assist the concerned Forest Official in apprehending the culprits. The apprehended culprits and seized forest produce shall be handed over to the concerned Forest Officer. Members of the committee will also offer all assistance to the staff of the forest department in enquiring in to the cases of forest offences.

vii) A Memorandum of Understanding (MOU) will be signed between the Chairman of the Committee and the DCF or any other officer authorized by him.

viii) The Committee shall maintain an account of funds received from different sources and the expenditure incurred by the committees would be audited by agency specified by the DCF.

ix) The committee shall maintain a list of its members in a register. Apart from this, the committee shall maintain any other registers and records prescribed by the DCF.

x) In the context of forest protection, while patrolling their forest area, members of the committee shall be treated as public servants, under various acts (laws) at par with forest officers and they will be entitled to legal protection available to public servants, for acts

done in good faith. Similarly, in the event of injury to or death of a member during prevention or detection of a forest offence, he will be entitled to the same benefits as available to forest staff.

#### (10) Powers and Duties of Forest Officer:

The powers and responsibilities of the district level forest officer shall be as under. In the absence of anything to the contrary specified in this resolution, the said powers can be delegated to an officer not inferior to a RFO.

##### 10.1 Powers

a. Specifying area for the committees according to clause 5.1.

b. Approval of the microplan.

c. Examination of the rules related to the committee's accounts and distribution of forest produce and other benefits among committee members.

d. The forest officer may dissolve the committee and terminate the Memorandum of Understanding if the committee does not discharge its duty according to para 9.2 and corrective measures are not taken by the committee even after a written warning by the forest officer. Under such circumstances, the committee shall lose its entitlement to receive benefits under section 9.1.

##### 10.2 Duties

i) Organise meeting at village level for the constitution of the committee as per clause 3.1.

ii) Registration of the committee.

iii) Supervise elections of the committee and EC.

iv) To provide training and technical help to the committee members in the preparation and implementation of the microplan.

v) To provide financial resources according to clause 6.3 for works included in the microplan and establish co-ordination with other departments for items mentioned in section 6.4.

vi) To assist the committee in discharging its duties and in monitoring and evaluation and to help in resolving internal differences.

vii) Monitoring and evaluation of works done by the committee.

viii) Designating an agency for the annual audit of committee's accounts and getting accounts audited through this agency.

ix) Provide forest produce and other benefits from the area allotted to committee according to sub section (i) to (iii) of section 9.1.

x) To ensure adequate participation of weaker sections of the committee, especially women, in committee's decisions and benefit sharing.

#### (11) Appeal:

i) Appeal against an order passed for terminating membership of a person under sub clause (viii) of the section 9.1 within one month from the date of order, to an officer of the rank of a RFO having territorial jurisdiction in that area.

ii) Appeal against the order of the Forest Officer to disband the committee can be made, within one month from the date of order, to the Federation constituted under clause 3.3.

iii) The decision of the appellate authority shall be final.

By order and in the name of the Governor of Goa.

V. R. Ghaisas, Under Secretary (Forests).

Panaji, 6th March, 2003.

Department of Science & Technology

#### Notification

LS/MISC/1915/96/Part I/1395

Whereas the draft of the Goa Non-Biodegradable Garbage (Control) (Amendment) Rules, 2002, was published as required by section

17 of the Goa Non-Biodegradable Garbage (Control) Act, 1996 (Goa Act 5 of 1997), at pages 925-926 of the Official Gazette, Series I No. 40, dated 2-1-2003 under Notification No. LS/MISC/1915/96/Part I/1060 dated 23-12-2002, of the Department of Science, Technology and Environment (DSTE), inviting suggestions/objections from all persons likely to be affected thereby, before the expiry of 15 days from the date of publication of the said Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 2-1-2003;

And whereas suggestions/objections received from the public, etc. on the said draft rules have been considered by the Government.

Now, therefore, in exercise of the powers conferred by section 17 of the Goa Non-Biodegradable Garbage (Control) Act, 1996 (Goa Act 5 of 1997), the Government of Goa hereby makes the following rules, so as to amend the Goa Non-Biodegradable Garbage (Control) Rules, 1997, as follows, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Non-Biodegradable Garbage (Control) (Amendment) Rules, 2003.

(2) They shall come into force at once.

2. *Amendment of rule 2.*— In rule 2 of the Goa Non-Biodegradable Garbage (Control) Rules, 1997 (hereinafter called as the "principal Rules"), after clause (d), the following clause shall be inserted, namely:—

"(dd) 'garbage/waste' means all types of garbage/waste including biodegradable garbage, non-biodegradable garbage, bio-medical/clinical waste as well as commodities, such as non-biodegradable plastic 'bags/packaging material' prohibited under sub-section (h) of section 7 of the Act;"

3. *Amendment of rule 11.*— In rule 11 of the principal Rules, for sub-rule (1), the following shall be substituted, namely:—

"(1) For the purpose of implementation of the provisions of the Act and these rules, the

members of the Garbage Management Committee as also Collectors, Deputy Collectors, Mamlatdars, Joint Mamlatdars, Excise Inspectors, Police Sub-Inspectors, Panchayat Secretaries, Chief Officers, Municipal Engineers, Sanitary Inspectors and Municipal Inspectors of all the Municipal Councils of the State of Goa, may, at any reasonable time do any or all of the following acts, namely:—

(a) enter and inspect any place to determine:

(i) the extent, if any, to which any garbage/waste may cause, is causing or has caused any adverse effect;

(ii) the cause of any adverse effect that may occur, is occurring or has occurred;

(iii) how an adverse effect may be prevented, eliminated, reduced or ameliorated and the environment conserved or reclaimed;

(b) when the aforesaid authority reasonably believes that any garbage/waste may release, is releasing or has released into the environment or a place of public view, or that garbage/waste may cause, is causing or has caused any adverse effect, require the person having charge, management or control of the garbage/waste to remove the garbage/waste or cause it to be removed from where it is found and deposited in a place designated for that purpose under rule 5.

(c) enter and inspect any place in which the aforesaid authority reasonably believes that any garbage/waste may be found and, if so found, seize and cause it to be removed from where it is found and deposited, at the cost of the occupier, in a place designated for that purpose under rule 5, for further disposal as provided under rule 10".

By order and in the name of the Governor of Goa.

Dr. N. P. S. Varde, Director/Joint Secretary (STE).

Panaji, 24th March, 2003.